

McGREGOR SCOTT
United States Attorney
KRISTIN S. DOOR, SBN 84307
Assistant U.S. Attorney
501 I Street, Suite 10-100
Sacramento, CA 95814
Telephone: (916)554-2723
Facsimile: (916)554-2900
Attorney for Plaintiff

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	2:05-CV-1867 WBS/JFM
)	
Plaintiff,)	JOINT REQUEST FOR STAY
)	AND ORDER THEREON
v.)	
)	
REAL PROPERTY LOCATED AT 2363)	
FAIRVIEW LANE, PLACER COUNTY,)	
NEWCASTLE, CALIFORNIA, BEARING)	
APN:032-253-036, INCLUDING ALL)	
APPURTENANCES AND IMPROVEMENTS)	DATE: N/A
THERE TO,)	TIME: N/A
)	COURTROOM: N/A
REAL PROPERTY LOCATED ON LINCOLN)	
STREET, PLACER COUNTY, ROSEVILLE,)	
CALIFORNIA, BEARING)	
APN: 012-200-010, INCLUDING ALL)	
APPURTENANCES AND IMPROVEMENTS)	
THERE TO,)	
)	
Defendants.)	
)	

Plaintiff United States of America and claimants Richard Ryan, Barbara Ryan, City of Roseville Redevelopment Agency, and American River Bank [hereafter "Claimants"], by and through their respective counsel, hereby stipulate that a further stay of discovery is necessary with respect to the proceedings involving the real property located on Lincoln Street, Roseville, California, and request that the Court enter an order staying all

1 further discovery with respect to the Lincoln Street property.
2 The parties to the stipulation do not intend that this stay
3 affect the proceedings regarding the real property located at
4 2363 Fairview Lane, Newcastle, California.

5 This Court had previously ordered a stay until July 14,
6 2006. For the reasons set forth below, the parties request a
7 further stay until the conclusion of the criminal case now
8 pending against Richard Marino (U.S. v. Richard Marino, Cr. S-
9 0009 LKK). Trial in that matter is currently scheduled to
10 commence on October 11, 2006.

11 1. Claimants Richard Ryan and Barbara Ryan each filed a
12 Claim on November 5, 2004, and filed an Answer to the Verified
13 Complaint For Forfeiture In Rem on November 24, 2004. Claimant
14 American River Bank filed its Claim and Answer to the Verified
15 Complaint on September 30, 2004. Claimant City of Roseville
16 Redevelopment Agency filed its Claim and Answer to the Verified
17 Complaint on October 7, 2004. No other parties have filed a
18 claim in this forfeiture action to the Lincoln Street property.

19 2. Pursuant to 18 U.S.C. §§ 981(g)(1), 981(g)(2) and 21
20 U.S.C. § 881(i) the parties seek a stay of discovery with respect
21 to the Lincoln Street property. The United States contends that
22 the Lincoln Street property is forfeitable to the United States
23 pursuant to 21 U.S.C. § 881(a)(7) because a so-called "medicinal
24 marijuana" dispensary was being operated on the premises by
25 Richard Marino¹ dba Capitol Compassionate Care ("CCC"). The
26 Lincoln Street property was leased to Mr. Marino by claimant
27

28 ¹ Richard Marino is not a claimant in these proceedings.

1 Richard Ryan. Claimants Richard Ryan and Barbara Ryan have
2 asserted ownership interests in the property. The United States
3 intends to subpoena Richard Ryan to appear for a deposition so
4 the United States can question him about various topics,
5 including but not limited to his knowledge as to whether Richard
6 Marino was operating a marijuana dispensary on the Lincoln Street
7 property and his involvement, if any, in the operation of the
8 business. Counsel for Mr. Ryan has informed counsel for the
9 government that, based upon information counsel for Mr. Ryan has
10 received, Mr. Ryan would invoke his privileges under the Fifth
11 Amendment if his deposition were conducted at this time.

12 3. On January 12, 2006, a 19-count indictment was returned
13 against Richard Marino on a variety of drug and money laundering
14 charges. Many of those charges relate to the distribution of
15 marijuana from the defendant real property on Lincoln Street in
16 Roseville.

17 4. In addition, Claimants Richard Ryan and Barbara Ryan
18 intend to depose Special Agents from the Drug Enforcement
19 Administration who were involved in the investigation of Richard
20 Marino. Allowing depositions of the law enforcement
21 investigators involved in the Marino investigation would
22 adversely affect the ability of the government to properly
23 prosecute the Marino case set for trial October 11, 2006.

24 5. In accordance with the previous Stipulation and Order
25 for Stay, plaintiff deposed claimant Barbara Ryan on January 13,
26 2006.

27 6. For the foregoing reasons, the parties jointly request
28 that this matter be stayed until the conclusion of the criminal

case now pending against Richard Marino.

Dated: August 15, 2006

McGREGOR W. SCOTT
United States Attorney

By

/s/Kristin S. Door
KRISTIN S. DOOR
Assistant U.S. Attorney
Attorneys for Plaintiff

Dated: August 15, 2006

/s/Victor S. Haltom
VICTOR S. HALTOM
Attorney for Claimants
Richard Ryan and Barbara Ryan

Dated: August 15, 2006

DUTRA & OATES

By

/s/ Paul J. Dutra
PAUL J. DUTRA
Attorneys for claimant
American River Bank

Dated: August 15, 2006

MARK J. DOANE
City Attorney

/s/ Michelle Sheidenberger
MICHELLE SHEIDENBERGER
Associate City Attorney
Attorneys for the City of Roseville
Redevelopment Agency

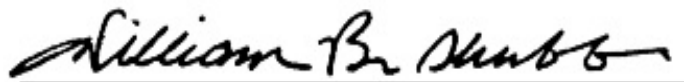
**(Original signatures retained by
attorney for the United States)**

ORDER

Pursuant to the stipulation of the parties and good cause having been shown, discovery with respect to the Lincoln Street property is stayed until the conclusion of the proceedings in U.S. v. Marino, 2:06-CR-0009 LKK.

IT IS SO ORDERED.

Dated: August 15, 2006

A handwritten signature in black ink, reading "William B. Shubb", is written over a horizontal line.

WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE